Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Clear Water Cove, located on Lake Conroe's western shore, north of and with access to Farmto-Market Road 1097, approximately 7.6 miles west of Willis in Montgomery County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but

does not wish to speak at Agenda.

Texas Register Publication Date: September 9, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,419

Amount Deferred for Expedited Settlement: \$4,683 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$796
Total Due to General Revenue: \$17,940

Payment Plan: 23 payments of \$780 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): January 3, 2011

Complaint Information: Alleged that sewage was coming from the Respondent's

facility.

Date(s) of Investigation: October 20, 2010, December 10, 2010, January 5, 2011,

and January 31, 2011

Date(s) of NOE(s): December 15, 2010 and March 4, 2011

Violation Information

- 1. Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, eight inches of settled sludge in a seven foot water depth was measured in the chlorine contact chamber, the thirty minute settleable solids concentration in the aeration basin resulted in a value of 80%, the Facility did not have any scum baffles installed, and approximately 70% of the top of the clarifier was covered in solids [30 Tex. Admin. Code §§ 305.125(1), 305.125(5) and 317.4(d)(2) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013575001, Operational Requirements No. 1].
- 2. Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, a high level alarm was not installed and only one pump was working at the Clear Water Point Lift Station [30 Tex. Admin. Code §§ 305.125(1), 305.125(5), 317.3(b)(1), and 317.3(e)(5) and TPDES Permit No. WQ0013575001, Operational Requirements No. 1].
- 3. Failed to properly operate and maintain the chlorination system. Specifically, the ventilation fan in the chlorine room was inoperable [30 Tex. ADMIN. CODE § 317.6(b)(1)(E)].
- 4. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, a review of the Facility's records indicated that on December 1, 2010, a force main break at the on-site lift station resulted in a discharge of approximately 2,500 gallons of untreated wastewater into a ditch adjacent to the Facility [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013575001, Permit Conditions No. 2.g.].
- 5. Failed to comply with permitted effluent limits. Specifically, the Respondent exceeded the total suspended solids daily average concentration limit of 15 milligrams per liter ("mg/L") for the monitoring periods ending August 31, 2010 and October 31, 2010. The reported values were 16.16 mg/L and 18.53 mg/L, respectively [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013575001, Effluent Limitations and Monitoring Requirements No. 1].
- 6. Failed to accurately complete the discharge monitoring reports ("DMRs"). Specifically, the DMR for the monitoring period ending on February 28, 2010, indicated

a chlorine residual of 1.93 mg/L; however, the operator's log indicated the chlorine residual was 2.43 mg/L. Also, the DMR for the monitoring period ending August 31, 2010, indicated that the sampling frequency for total suspended solids was once per week; however, the operator's log indicated that seven samples were collected [30 Tex. Admin. Code §§ 305.125(1), 319.1, and 319.5(e) and TPDES Permit No. WQ0013575001, Monitoring and Reporting Nos. 1 and 4].

- 7. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, on January 2, 2011, a clog in the transfer line between the aeration basin and the clarifier resulted in the discharge of approximately 700 gallons of partially treated wastewater, that flowed under the fence and down the service road to Clearwater East Street and also resulted in an accumulation of sludge next to the aeration basin [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013575001, Permit Conditions No. 2.g.].
- 8. Failed to report any noncompliance to the Executive Director which may endanger human health or safety, or the environment. Specifically, the Respondent did not orally notify the Executive Director within twenty-four hours of becoming aware of the unauthorized discharge that occurred on January 2, 2011 [30 Tex. ADMIN. CODE § 305.125(9)(A) and TPDES Permit No. WQ0013575001, Monitoring and Reporting Requirements No. 7].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. By November 4, 2010, installed a high level alarm and a backup pump at the Clear Water Point Lift Station;
- b. By December 1, 2010:
- i. Repaired the force main at the on-site lift station;
- ii. Used a vacuum truck to collect and properly dispose of the discharged wastewater; and
- iii. Disinfected the affected area.
- c. By January 10, 2011:
- i. Cleared the blockage from the transfer line and ceased the unauthorized discharge;

- ii. Used a vacuum truck to pump sludge from the chlorine contact chamber and clarifier and properly disposed of the sludge; and
- iii. Collected and properly disposed of the sludge next to the aeration basin;
- d. On February 28, 2011, returned to compliance with permitted effluent limits;
- e. On March 15, 2011, submitted revised DMRs for the monitoring periods ending February 28, 2010 and August 31, 2010; and
- f. On March 21, 2011, installed a ventilation fan in the chlorine storage room.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Conduct employee training to ensure the Executive Director will be notified of any unauthorized discharge;
- ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of accurately completed, signed, and certified monthly DMRs; and
- b. Within 45 days, submit certification of compliance with Ordering Provisions a.i. and a.ii.
- c. Within 60 days:
- i. Develop and implement a solids management plan ("SMP"). The SMP shall identify the appropriate range of solids to be maintained throughout the treatment units at the Facility and outline a program of internal process control testing to monitor the efficiency of the wastewater treatment and to maintain the proper solids balance at the Facility. The SMP shall be prepared by a Texas registered professional engineer or an "A" TCEQ Certified Wastewater Operator; and
- ii. Ensure the clarifier is properly maintained and operated; and
- d. Within 75 days, submit certification of compliance demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A **Date Answer(s) Filed:** N/A

SOAH Referral Date: N/A **Hearing Date(s):** N/A **Settlement Date:** N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steve Villatoro, Enforcement Division,

Enforcement Team 1, MC 169, (512) 239-4930; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Richard L. Wagner, President, C & R WATER SUPPLY INC., P.O. Box

187, Willis, Texas 77378

Betty Sandifer, Director, C & R WATER SUPPLY INC., P.O. Box 187, Willis, Texas 77378

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 CEQ Assigned 20-Dec-2010 Screening 3-Jan-2011 **EPA Due PCW** 7-Jul-2011 RESPONDENT/FACILITY INFORMATION Respondent C & R WATER SUPPLY INC Reg. Ent. Ref. No. RN102181765 Major/Minor Source Minor Facility/Site Region 12-Houston CASE INFORMATION No. of Violations 6 Enf./Case ID No. 41193 Docket No. 2011-0342-MWD-E Order Type 1660 Government/Non-Profit No Media Program(s) Water Quality Enf. Coordinator Steve Villatoro Multi-Media EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$13,200 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$8,844 Compliance History 67.0% Enhancement Subtotals 2, 3, & 7 Enhancement for seven months of self-reported effluent violations, four NOVs with same/similar violations, and six NOVs with dissimilar Notes violations. 0.0% Enhancement Subtotal 4 \$0 Culpability No The Respondent does not meet the culpability criteria. Notes Subtotal 5 \$1,725 Good Faith Effort to Comply Total Adjustments 0.0% Enhancement* Subtotal 6 \$0 **Economic Benefit** *Capped at the Total EB \$ Amount Total EB Amounts \$591 Approx. Cost of Compliance \$20,000 SUM OF SUBTOTALS 1-7 Final Subtotal \$20,319 \$0 0.0% OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes \$20,319 Final Penalty Amount Final Assessed Penalty \$20,319 STATUTORY LIMIT ADJUSTMENT -\$4,063 Reduction Adjustment 20.0%

Deferral offered for expedited settlement.

\$16,256

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g.

Notes

PAYABLE PENALTY

Screening Date 3-Jan-2011

Docket No. 2011-0342-MWD-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent C & R WATER SUPPLY INC.

Case ID No. 41193

Reg. Ent. Reference No. RN102181765 Media [Statute] Water Quality Enf. Coordinator Steve Villatoro

Component	Number of	Enter Number Here	Adjus
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11	55%
	Other written NOVs	6	12%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	. 0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audiba	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
0	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Subt	otal 2
eat Violator (Subtotal 3)		
No	Adjustment Per	centage (Subt	otal 3
ipliance Histo	ory Person Classification (Subtotal 7)		
Average Pe	erformer Adjustment Per	centage (Subt	otal 7
ipliance Histo	ory Summary		
Compliance History	Enhancement for seven months of self-reported effluent violations, four NOVs wit violations, and six NOVs with dissimilar violations.	h same/similar	

Total Adjustment Percentage (Subtotals 2, 3, & 7) 67%

n 2 (September 200		Screening Date
ision October 30, 20		Case ID No Reg. Ent. Reference No
		Media [Statute]
		Enf. Coordinato
		Violation Number
	DO T. A JULY C. J. CC DOD DE LA PORTE DA TANDON DE LA TOUR DO MANAGEMENT	Rule Cite(s
	Discharge Elimination System ("TPDES") Permit No. WQ0013575001, Operational Requirements No. 1	Rule Cite(s)
	Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, eight inches of settled sludge in a seven foot water depth	Violation Description
\$10,00	Base Penalty	
	rty and Human Health Matrix Harm	 Environmental, Prope
		Release
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	th or the environment will or could be exposed to significant amounts of pollutants	Human hea Matrix
	not exceed levels that are protective of human health or environmental receptors as a result of this violation.	Notes which would
	a result of this wordtight.	
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	Water Quality						Years of
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	*******	n n	Final Date	.	Tabanas Canad	Onetime Costs	EB Amount
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Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$7,000	20-Oct-2010	31-Oct-2011	1.03	\$24	\$481	\$505
Engineering/construction				0.00	\$0	\$0	\$0
Land			*****************	0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		0.00	<u>\$0</u>	n/a	<u>\$0</u>
Remediation/Disposal			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	0.00	\$0	n/a	\$0
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Other (as needed)				0.00	\$0	n/a	\$0
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PCW	Docket No. 2011-0342-MWD-E		eening Date	
n 2 (September 2002) sion October 30, 2008		C & R WATER SUPPLY INC.	Respondent Case ID No.	
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			ia [Statute]	
-			Coordinator	
			lation Number	Viol
	15.125(1), 305.125(5), 317.3(b)(1) and 317.3(e)(5) and VQ0013575001, Operational Requirements No. 1	30 Tex. Admin. Code 55 30	Rule Cite(s)	\$.
		1132313111011011	,	
	and maintain all facilities and systems of treatment and		***************************************	
	in level alarm was not installed and only one pump was Point Lift Station, as documented during the October 20,		on Description	Violatio
-	2010, investigation.	Working at the Cicar Water	***************************************	

\$10,000	Base Penalty			
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	date (November 4, 2010).			
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	dent returned to compliance on November 4,			
	dent returned to compliance on November 4,	Notes The Respon		
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	2010.			
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Violation No.						Percent Interest	Depreciation
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					* *	Engrephy and the Control of the Cont	
		Date Required	Final Date	YES	Interest Saveo	Onetime Costs	EB Amount
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	s research reduction on the contract of		0::000000000000000000000000000000000000	ciele ista a con o o o o			5041441555455455415555555
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$8,000	20-Oct-2010	4-Nov-2010	0.04	\$1	\$22	\$23
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	<u>\$0</u>
Training/Sampling	201 201 201 201 201 201 201 201 201 201			0.00	\$0	n/a	\$0
Remediation/Disposal		<u> </u>	-	0.00	\$0	n/a	\$0
Permit Costs	***************************************			0.00	\$0 \$0	n/a n/a	<u>\$0</u> \$0
Other (as needed)	 	<u> </u>		0.00	<u>L,</u>	1	
Notes for DELAYED costs Avoided Costs	Stati	on. Date required	I is the Investig	ation d	ate and final date	mp for the Clear Wa is the date of compl for one-time avoid	iance.
Avoided Costs Disposal				0.00	\$0	I \$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
ı			la una d'avatilità acción de la ciònic				a garangan da da

Screening			D	ocket No. 2011-0342-MWD-E	PCW
grant and the second of the se	ndent ID No.	C & R WATER SUPPLY INC.			Policy Revision 2 (September 200 PCW Revision October 30, 20
Reg. Ent. Referen					PCW REVISION OCIDUEI 30, 20
		Water Quality			
		Steve Villatoro			
Violation N Rule	Number Cite(s)	3 1			
		30 1	Fex. Admin. C	ode § 317.6(b)(1)(E)	
	-				
Violation Desc	crintian			n the chlorination system. Specific as inoperable, as documented dur	
Violation Desc	cription			110, investigation.	
	E			D	- D
				Base	e Penalty \$10,00
>> Environmental, I	Proper	ty and Human Healtl	ı Matrix		
F	Release	Harm Major Moderate	Minor		
OR	Actual		1		
F	Potential	X		Percent 25%	
>>Programmatic Ma	atrix				
	fication	Major Moderate	Minor	·	
L				Percent 0%	
Hur	nan heall	th or the environment will o	r could be exi	posed to significant amounts of po	llutants
		exceed levels that are prote	ective of huma	an health or environmental recept	
Notes		resi	ult of this viola	ation.	con and in constitution of
				Adjustment	\$7,500
			33333333333333333333333	·	Automotive for the contract of the contract of
					\$2,50
Violation Events					
Nun	nber of V	iolation Events 3	7	Number of violation of	davs
			==		
		daily			
		weekly monthly x	=		
	only one i an x	quarterly	1	Violation Base	Penalty \$7,50
		semiannual	=		
		annual single event	=		
· · · · · · · · · · · · · · · · · · ·	*	2			
Thre	ee month			estigation date (October 20, 2010) to the
		screening	date (Januar	/ 3, 2011).	**************************************
			7		#7E
Good Faith Efforts to) Comp	10.0% Before NOV	*******************	/Settlement Offer	\$75
		Extraordinary			
		Ordinary			
		N/A	(mark with x)		
		Notes The Respo	ondent return	ed to compliance on March 21,	
				2011.	
		halmannel van der verbet van de kommen de verbeilige de de bekende de verbeilige de de bekende de verbeilige d		Violation	Subtotal \$6,750
					2000
Economic Benefit (E	B) for I	this violation		Statutory Limit	Test
. E	stimate	d EB Amount	\$6	Violation Final Pena	Ity Total \$11,775
			olation Final	Assessed Penalty (adjusted fo	or limits) \$11,775
		inis Vi	viacion Final	Assessed reliaity (adjusted to	, annes)

eg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
					300	5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment	_	1	***************************************	0.00	\$0	\$0 T	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	20-Oct-2010	21-Mar-2011	0.42	\$0	\$6	\$6
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
J				0.00	\$0	n/a	\$0
Remediation/Disposal		11 1.41.41.4.4.4.114.1144.1144.1144.114	0.0000000000000000000000000000000000000	0.00	30	117 Q	
Remediation/Disposal Permit Costs		 			\$0 \$0	n/a	\$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estimated co	osts to install a ve		0.00 0.00 the chlo	\$0 \$0 orine room. Date		\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling			and final da	0.00 0.00 the chic te is da enterin 0.00 0.00 0.00	\$0 \$0 prine room. Date te of compliance. g item (except 1 \$0 \$0 \$0	n/a n/a n/a required is the inves for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 tigation date ed costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel			and final da	0.00 0.00 the chicket is date entering 0.00 0.00 0.00 0.00	\$0 \$0 orine room. Date ite of compliance. ig item (except in \$0 \$0 \$0 \$0	n/a n/a n/a required is the inves for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 tigation date ed costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling			and final da	0.00 0.00 the chickete is date is date is date is date is date in the chickete is date in the chickete in the chickete in the chickete is date in the chickete	\$0 \$0 prine room. Date ite of compliance. Ig item (except in \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a required is the inves for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 tigation date ed costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment			and final da	0.00 0.00 the chicker is date is date in the chicker in the chicke	\$0 \$0 brine room. Date ite of compliance. Ig item (except in \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a required is the inves for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 tigation date ed costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			and final da	0.00 0.00 the chickete is date is date is date is date is date in the chickete is date in the chickete in the chickete in the chickete is date in the chickete	\$0 \$0 prine room. Date ite of compliance. Ig item (except in \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a required is the inves for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 tigation date ed costs) \$0 \$0 \$0 \$0 \$0

Screening Date		PCW
		llicy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.		PCW Revision October 30, 2008
Media [Statute]		
Enf. Coordinator		
Violation Number	4	
Rule Cite(s)		rpdes
	Permit No. WQ0013575001, Permit Conditions No. 2.g. Failed to prevent the unauthorized discharge of wastewater into or adjace.	nt to
	water in the state, as documented during a record review conducted on Dec	
Violation Description	10, 2010. Specifically, a review of the Facility's records indicated that on Dec	cember
	 2010, a force main break at the on-site lift station resulted in a discharge approximately 2,500 gallons of untreated wastewater into a ditch adjacent 	
	Facility.	co di c

	Base P	Penalty \$10,000
>> Environmental, Proper	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual	Major Moderate Minor	
Potential	Percent 10%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
Taismeation	Percent 0%	
Matrix Human heal	th or the environment has been exposed to insignificant amounts of pollutants	as a
Notes	result of this violation.	
	Adjustment	\$9,000
		\$1,000
		¥1/000
Violation Events		
Number of \	/iolation Events 1 Number of violation day	/S
warmser of v	Total of Volume 1	
	daily	
	weekly	
mark only one	monthly quarterly x Violation Base P	enalty \$1,000
with an x	semiannual	Bartiford Commission of Commis
	annual	
	single event	
	One quarterly event is recommended.	
Good Faith Efforts to Com	ply 25.0% Reduction	\$250
	Before NOV NOV to EDPRP/Settlement Offer	55555555555555555555555555555555555555
	Extraordinary	
	Ordinary x (mark with x)	
·		
	Notes The Respondent achieved compliance on December 1, 2010.	
	2010.	
	Violation Su	btotal \$750
The second secon		A
Economic Benefit (EB) for	this violation Statutory Limit To	est
Estimate	ed EB Amount \$0 Violation Final Penalty	/ Total \$1,420
	Temperature and an annual an	
	This violation Final Assessed Penalty (adjusted for l	limits) \$1,420

Respondent Case ID No. Reg. Ent. Reference No.	C & R WATER 41193		Benefit	Wo	rksheet		
	Water Quality					Percent Interest	Years of Depreciation
riolotton tiol	·					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land	L			0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$3,500	1-Dec-2010	1-Dec-2010	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	disinfect	the affected area	. Date require	is the compli	date of the discha ance.	of the discharged wa irge. Final date is the for one-time avoid	ne date of
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$3,500			TOTAL		\$0

Screening Date		PCW
		on 2 (September 2002) vision October 30, 2008
Case ID No. Reg. Ent. Reference No.		ASIGN OCCUDER SU, 2008
Media [Statute]		
Enf. Coordinator	Steve Villatoro	
Violation Number Rule Cite(s)		
,	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013575001, Effluent Limitations and Monitoring Requirements No. 1	
Violation Description	Failed to comply with permitted effluent limits, as documented during a record review conducted on January 31, 2011. Specifically, the Respondent exceeded the total suspended solids daily average concentration limit of 15 milligrams per liter ("mg/L") for the monitoring periods ending August 31, 2010 and October 31, 2010. The reported values were 16.16 mg/L and 18.53 mg/L, respectively.	
	Base Penalty	\$10,000
>> Environmental, Proper	ty and Human Health Matrix	PROTESTICAL INC.
Release	Harm Major Moderate Minor	
OR Actual Potential		
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 0%	
	Control Contro	
	or the environment has been exposed to insignificant amounts of pollutants which do els that are protective of human health or environmental receptors as a result of this violation.	Company and the second and the secon
Lancaria de la Carta de la	Adjustment \$9,000	ennun.
130505000000000000000000000000000000000		\$1,000
	-	
Violation Events		
Number of \	/iolation Events 1 62 Number of violation days	
mark only one	daily weekly monthly	\$1,000
with an x	quarterly x Violation Base Penalty semiannual	\$1,000
	annual single event	· ·
	1	· Withhelm
	One quarterly event is recommended.	
Good Faith Efforts to Com	ply 10.0% Reduction	\$100
dood ruitii ciiorts to com	Before NOV NOV to EDPRP/Settlement Offer	
observations.	Extraordinary	
· · ·	Ordinary X N/A (mark with x)	YAHIRAHIA
	The Respondent returned to compliance on February 28,	
	Notes 2011.	
	Violation Subtotal	\$900
Economic Benefit (EB) for	this violation Statutory Limit Test	
	ed EB Amount \$35 Violation Final Penalty Total	\$1,570
	This violation Final Assessed Penalty (adjusted for limits)	\$1,570
	inis violation rina Assessed reliaity (adjusted for illinits)	41,570

	E	conomic	Benefit	Wo	rksheet		
Respondent		0.0000000000000000000000000000000000000		(2010)4999449	5099 (9+0) 100 10+10+110 10 10 10 10 10 10 10 10 10 10 10 10		
Case ID No.							
eg. Ent. Reference No.	. RN102181765	;					
	Water Quality					Percent Interest	Years of
Violation No.						Leicent Turciest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
· · · · · · · · · · · · · · · · · · ·	i no conmice of a			96500000000			
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	31-Aug-2010	28-Feb-2011	0.50	\$2	\$33	\$35
Engineering/construction				0.00	\$0	\$0	\$0
Land		ļ		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		ļ		0.00	\$0	n/a	\$0
Remediation/Disposal		<u> </u>		0.00	\$0	n/a	<u>\$0</u> \$0
Permit Costs Other (as needed)		 		0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	Estima		and clean the ompliance. Fin			required is the first	: date of
	1			ai date	is the date of com	pliance.	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before o				
Avoided Costs	ANNUAL	IZE [1] avoided	costs before o			or one-time avoid \$0	
The second secon	ANNUAL	IZE [1] avoided	costs before (nterir	ıg item (except l	or one-time avoid	s0
Disposal Personnel	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00	ng item (except i \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0	### 15 ###
Disposal Personnel	ANNUAL	IZE [1] avoided	costs before (0.00 0.00 0.00 0.00	19 item (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	ed costs) \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling	ANNUAL	IZE [1] avoided	costs before (0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00 0.00 0.00	19 item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	IZE [1] avoided	costs before (0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	IZE [1] avoided	costs before (0.00 0.00 0.00 0.00 0.00 0.00 0.00	19 item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00 0.00 0.00	19 item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00 0.00 0.00	19 item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00 0.00 0.00	19 item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00 0.00 0.00	19 item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date 3-Jan-2011 Docket No. 2011-0342-MWD-E	PCW
	ion 2 (September 2002)
	vision October 30, 2008
Reg. Ent. Reference No. RN102181765	
Media [Statute] Water Quality Enf. Coordinator Steve Villatoro	
Violation Number 6	
Pule Cite(a)	
30 Tex. Admin. Code §§ 305.125(1), 319.1 and 319.5(e) and TPDES Permit No. WQ0013575001, Monitoring and Reporting Nos. 1 and 4	
	-
Failed to accurately complete the discharge monitoring reports ("DMRs").	
Specifically, the DMR for the monitoring period ending on February 28, 2010,	
indicated a chlorine residual of 1.93 mg/L; however, the operator's log indicated the Violation Description chlorine residual was 2.43 mg/L. Also, the DMR for the monitoring period ending	
August 31, 2010, indicated that the sampling frequency for total suspended solids	
was once per week; however, the operator's log indicated that seven samples were	
collected, as documented during the October 20, 2010, investigation.	
Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix Harm	
Release Major Moderate Minor	
OR Actual Comment of the Comment of	
Potential Percent 0%	
>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 1%	
Matrix At least 70% of the rule requirement was met.	
Notes	
Adjustment \$9,900	
-	
	\$100
fiolation Events	
Number of Violation Events 2 289 Number of violation days	
daily weekly	
monthly	
mark only one quarterly Violation Base Penalty	\$200
semiannual semiannual	
annual annual	
single event x	
Two single events are recommended, one for each DMR.	
	40
Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$0
Extraordinary Extraordinary	
Ordinary	
N/A x (mark with x)	
galaren aguzturar ira urturaren birriarria birriarria birriarria birriarria birriarria birriarriarria birriarriarriarriarriarriarriarriarriarr	***************************************
Notes The Respondent does not meet the good faith criteria for this violation.	
una violatori.	
Violation Subtotal	\$200
i.s.asion dubestal.	T = 3
conomic Benefit (EB) for this violation Statutory Limit Test	
conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$23 Violation Final Penalty Total	\$334
	\$334 \$334

	C & R WATER	SUPPLY INC.					
Case ID No.							
eg. Ent. Reference No.	RN102181765	;					***********
	Water Quality					Percent Interest	Years of
Violation No.	6 .					r creene interest	Depreciation
						5.0	15
	Itam Cost	Date Required	Final Date	Vrc	Interest Saved	Onetime Costs	EB Amount
			imai Date		ameres sures	Ottotiline edule	
Item Description	No commas or \$						
************************************	i nessa mostas ruessa si na	stranennaszna tarronnótókokona	6-458/88000.Ga#G/GG:#sa#c+	saldadara) na	BUBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB		
Delayed Costs				1	+0	\$0	\$0
Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Buildings	450	20-Mar-2010	15 May 2011	0.00	\$0 \$0	\$0 \$3	\$3
Other (as needed)	\$50	20-Mar-2010	13-Mai-5011	0.00	\$0 \$0	\$0 \$0	\$0
Engineering/construction Land		4		0.00	\$0 \$0	n/a	\$0
				0.00	\$0 \$0	n/a	\$0 \$0
Record Keeping System Training/Sampling	\$250	20-Mar-2010	30-Sep-2011	1.53	\$19	n/a	\$19
Remediation/Disposal	1 3439	<u>20-11al-2010</u>	-20-26b-4011	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0 \$0	n/a	\$0
Other (as needed)				0.00 ate rev	\$0 vised DMRs (\$25 e	n/a ach DMR) and cond	\$0 uct employee
	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate rev d accur MRs we cting e	\$0 vised DMRs (\$25 e rately. Date Requi ere submitted and mployee training.	n/a ach DMR) and cond- ired is the date the the expected date of	\$0 uct employee first report was of compliance
Other (as needed)	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate rev d accur MRs we cting e	\$0 vised DMRs (\$25 e rately. Date Requi ere submitted and mployee training. ng item (except	n/a ach DMR) and cond ired is the date the the expected date of	\$0 uct employee first report was of compliance
Other (as needed) Notes for DELAYED costs	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate revenue di accur MRS we cting e enterir 0.00	\$0 vised DMRs (\$25 e rately. Date Requiere submitted and mployee training. ng item (except \$0	n/a ach DMR) and cond ired is the date the the expected date of for one-time avoid	\$0 uct employee first report was of compliance led costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate rev d accur MRs we cting e enterir 0.00 0.00	\$0 vised DMRs (\$25 e rately. Date Requiere submitted and mployee training. ng item (except \$0 \$0	n/a ach DMR) and condired is the date the the expected date of the avoid \$0 \$0	\$0 uct employee first report was of compliance led costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate revenue of accurate o	\$0 vised DMRs (\$25 e rately. Date Requiere submitted and mployee training. ng item (except \$0 \$0 \$0	n/a ach DMR) and condined is the date the the expected date of the one-time avoid \$0 \$0 \$0 \$0	\$0 uct employee first report was of compliance led costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate reverse rever	\$0 vised DMRs (\$25 e rately. Date Requiere submitted and mployee training. ng item (except \$0 \$0 \$0 \$0 \$0	n/a ach DMR) and condired is the date the the expected date of the condition of the expected date of the expected	\$0 uct employee first report was of compliance ded costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel repection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate revelopment of accurate revelopment of accura	\$0 vised DMRs (\$25 e rately. Date Requiere submitted and mployee training. ng item (except. \$0 \$0 \$0 \$0 \$0	n/a ach DMR) and condired is the date the the expected date of the date of the expected date	\$0 uct employee first report was of compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate rev d accur MRs we cting e enterii 0.00 0.00 0.00 0.00 0.00	\$0 vised DMRs (\$25 e rately. Date Requiere submitted and mployee training. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ach DMR) and condired is the date the the expected date of the condition of the expected date of the expected	\$0 uct employee first report was f compliance ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate revelopment of accurate revelopment of accura	\$0 vised DMRs (\$25 e rately. Date Requiere submitted and mployee training. ng item (except. \$0 \$0 \$0 \$0 \$0	n/a ach DMR) and condired is the date the the expected date of the date of the expected date	\$0 uct employee first report was of compliance s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate rev d accur MRs we cting e enterii 0.00 0.00 0.00 0.00 0.00	\$0 vised DMRs (\$25 e rately. Date Requiere submitted and mployee training. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ach DMR) and condired is the date the the expected date of the condition of the expected date of the expected	\$0 uct employee first report was f compliance led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate rev d accur MRs we cting e enterii 0.00 0.00 0.00 0.00 0.00	\$0 vised DMRs (\$25 e rately. Date Requiere submitted and mployee training. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ach DMR) and condired is the date the the expected date of the condition of the expected date of the expected	\$0 uct employee first report was f compliance ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	training to en due. Final o	sure that the DMF dates are the date	Rs are complete s the revised D with condu	0.00 ate rev d accur MRs we cting e enterii 0.00 0.00 0.00 0.00 0.00	\$0 vised DMRs (\$25 e rately. Date Requiere submitted and mployee training. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ach DMR) and condired is the date the the expected date of the condition of the expected date of the expected	\$0 uct employee first report was f compliance ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 CEQ Assigned 7-Jul-2011 Screening 9-Mar-2011 **EPA** Due PCW RESPONDENT/FACILITY INFORMATION Respondent C & R WATER SUPPLY INC Reg. Ent. Ref. No. RN102181765 Major/Minor Source Minor Facility/Site Region 12-Houston CASE INFORMATION No. of Violations 2 Enf./Case ID No. 41193 Docket No. 2011-0342-MWD-E Media Program(s) Water Quality Order Type 1660 Government/Non-Profit No Enf. Coordinator Steve Villatoro Multi-Media EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$2,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History \$1,340 67.0% Enhancement Subtotals 2, 3, & 7 Enhancement for seven months of self-reported effluent violations, four NOVs with same/similar violations, and six NOVs with dissimilar Notes violations. \$0 Culpability No 0.0% Enhancement Subtotal 4 The Respondent does not meet the culpability criteria. Notes \$250 Subtotal 5 Good Faith Effort to Comply Total Adjustments \$0 Subtotal 6 **Economic Benefit** 0.0% Enhancement* *Capped at the Total EB \$ Amount Total EB Amounts \$11 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$3,090 \$10 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.3% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Enhancement to capture avoided costs associated with violation no. 2. Notes \$3,100 Final Penalty Amount \$3,100 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

Deferral offered for expedited settlement.

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g

Notes

PAYABLE PENALTY

-\$620

\$2,480

Adjustment

20.0%

Reduction

Screening Date 9-Mar-2011

Docket No. 2011-0342-MWD-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent C & R WATER SUPPLY INC. **Case ID No.** 41193

Reg. Ent. Reference No. RN102181765 Media [Statute] Water Quality

Media [Statute] Water Quality Enf. Coordinator Steve Villatoro

Compliance History Worksheet

			Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	11	55%
	Other written NOVs	6	12%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
Repeat Violator (Adjustment Per		
No	Adjustment Per	centage (Sub	total 3
Compliance Histo	ry Person Classification (Subtotal 7)		
Average Pe		rentage (Sub	total 7
	with the second	contage (Sub)	······································
ompliance Histo	ry Summary		
Compliance	Enhancement for seven months of self-reported effluent violations, four NOVs wi		

PCW		Screening Date
2 (September 2002) on October 30, 2008		
on October 30, 2006		Case ID No. Reg. Ent. Reference No.
		Media [Statute]
		Enf. Coordinator
		Violation Number
	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES	Rule Cite(s)
	Permit No. WQ0013575001, Permit Conditions No. 2.g.	
	Failed to prevent the unauthorized discharge of wastewater into or adjacent to	
	water in the state, as documented during an investigation conducted on January 5, 2011. Specifically, on January 2, 2011, a clog in the transfer line between the	
		Violation Description
	gallons of partially treated wastewater, that flowed under the fence and down the	•
	service road to Clearwater East Street and also resulted in an accumulation of	
	sludge next to the aeration basin.	
\$10,000	Base Penalty	
	rty and Human Health Matrix	> Environmental Proper
	Harm	~ Environmental, 110pc
	[Release
		OR Actual Potential
		Potential
		>Programmatic Matrix
	Major Moderate Minor	Falsification
	Percent 0%	L
	or the environment was exposed to insignificant amounts of pollutants as a result of	i i i i i i i i i i i i i i i i i i i
	this violation.	Notes
	#0.000	
	Adjustment \$9,000	
\$1,000		
		iolation Events
		350000000000000000000000000000000000000
	Violation Events 1 8 Number of violation days	Number of \
	daily	
	weekly	
	monthly	
\$1,000	quarterly Violation Base Penalty	mark only one with an x
	semiannual	
	annual single event	
	event is recommended from the date of the discharge (January 2, 2011) to the date	One quarterly
	of compliance (January 10, 2011).	
		Legender de la constant de la consta
\$250		ood Faith Efforts to Com
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary x	
	N/A (mark with x)	
	Notes The Respondent achieved compliance by January 10, 2011.	
\$750	Violation Subtotal	
 		is passes /en\ t_
\$1,425	ted EB Amount \$1 Violation Final Penalty Total	conomic Benefit (EB) for
	Congression and the contract of the contract o	Estimat
\$1,425	This violation Final Assessed Penalty (adjusted for limits)	

	E	conomic	Benefit	Wo	rksheet		
Respondent	C & R WATER	SUPPLY INC.			entriaverature esterni i circin i		
Case ID No.	41193						
eg. Ent. Reference No.	RN102181765						
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
violation ivo.	1					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
rein beschiption	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land			•••••	0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1.000	2-Jan-2011	10-Jan-2011	0.02	\$1	n/a	\$1
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	sludge, and di	sinfect the affecte	ed areas. Date (require of comp	d is the date of th liance.	roperly dispose of we discharge. Final discharge for one-time avoid	late is the date
Disposal Personnel				0.00	<u>∌0</u> \$0	\$0	\$0 \$0
pection/Reporting/Sampling	 			0.00	\$0 \$0	\$0	<u>\$0</u>
Supplies/equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]	*******************			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		1		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
		\$1,000			TOTAL		\$1

Screening Date	9-Mar-2011 Docket No. 2011-0342-MWD-E	PCW
		n 2 (Septamber 2002)
Case ID No.		sion October 30, 2008
Reg. Ent. Reference No.		CARCOLAN
Media [Statute]		Literature
Enf. Coordinator		***************************************
Violation Number		
Rule Cite(s)	■ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
	Monitoring and Reporting Requirements No. 7	
Violation Description	Failed to report any noncompliance to the Executive Director which may endanger human health or safety or the environment. Specifically, the Respondent did not orally notify the Executive Director within twenty-four hours of becoming aware of the unauthorized discharge that occured on January 2, 2011.	
	Base Penalty	\$10,000
00000000000000000000000000000000000000		
>> Environmental, Proper	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual	Major Moderate Minor	
Potential	Percent 0%	
, occiniai		
>>Programmatic Matrix		
Falsification	Major Moderate Minor	1
	X Percent 10%	
N-L-1		
Matrix Notes	100% of the rule requirement was not met.	
Notes		
	Adjustment \$9,000	
		\$1,000
		41,000
Violation Events		
Number of N	/iolation Events 1 1 Number of violation days	
	Boy and a character and a proper property of the character of the characte	
mark only one with an x	daily weekly monthly quarterly Violation Base Penalty	\$1,000
	semiannual annual single event	
	One single event is recommended.	
Good Faith Efforts to Com	0.0% Reduction	\$0
GOOD FAILLE ETIONS TO COM	DIY 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary	
	N/A x (mark with x)	
	Notes The Respondent does not meet the good faith criteria for	
۶	this violation.	
	Violation Subtotal	\$1,000
300000000000000000000000000000000000000		
Economic Benefit (EB) for	this violation Statutory Limit Test	
	din Willelian Final Donalty Tatal	\$1,675
Estimate	ed EB Amount \$10 Violation Final Penalty Total	\$1,0/3
	This violation Final Assessed Penalty (adjusted for limits)	\$1,675
		333333333333333333333333333333333333333

	RN102181765 Water Quality 2					Percent Interest	Years of Depreciation
						5.0	15 EB Amount
Item Description		Date Required	Final Date	Yrs	Interest Saveo	Onetime Costs	EB Amount
Delayed Costs							
Equipment	r		r	10.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs		1					
		JL		0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL \$10	IZE [1] avoided	costs before][0.00]	\$0 		\$0

Compliance History CN600581672 C & R WATER SUPPLY INC. Customer/Respondent/Owner-Operator: Classification: Rating: 1.97 **AVERAGE** Regulated Entity: RN102181765 CLEAR WATER COVE Classification: AVERAGE Site Rating: 1.10 **PERMIT** WASTEWATER ID Number(s): WQ0013575001 WASTEWATER **FPAID** TX0109339 PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1700480 WASTEWATER LICENSING **LICENSE** WQ0013575001 Location: located on Lake Conroe's western shore, north of and with access to Farm-to-Market Road 1097, approximately 7.6 miles west of Willis in Montgomery County, Texas TCEQ Region: **REGION 12 - HOUSTON** Date Compliance History Prepared: March 09, 2011 Agency Decision Requiring Compliance History: Enforcement Compliance Period: March 9, 2011 to March 9, 2006 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Steve Villatoro (512) 239-4930 Phone: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes 3. If Yes, who is the current owner/operator? OWN C & R WATER SUPPLY INC. N/A 4. If Yes, who was/were the prior owner(s)/operator(s)? OWN Richard L Wagner DBA DBA Wagner Services N/A 08/24/2009 5. When did the change(s) in owner or operator occur? OWN Richard L Wagner DBA DBA Wagner Services N/A Rating Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. Any criminal convictions of the state of Texas and the federal government. В. N/A C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 04/12/2006 (455388)2 04/13/2006 (457242)

3 05/09/2006 (505435)4 05/09/2006 (505436)08/25/2006 5 (510189)6 07/20/2006 (527718)7 08/18/2006 (527719)8 09/18/2006 (527720)9 02/07/2007 (539181)05/03/2007 10 (554771)11 09/20/2007 (570388)12 02/19/2007 (593351)

(601179)

(629299)

13

14

11/15/2007

03/30/2007

15	02/15/2007	(629300)
16	03/13/2007	(629301)
17	03/19/2007	(629302)
18	05/04/2007	(629303)
19	03/13/2007	(629304)
20	06/20/2007	(629305)
21	07/09/2007	(629306)
22	03/13/2007	(629307)
23	07/25/2007	(629308)
24	09/10/2007	(629309)
25	09/24/2007	(629310)
26	10/20/2006	(629311)
27	11/06/2007	(629312)
28	12/14/2006	(629313)
29	12/03/2007	(629314)
30	03/13/2007	(629315)
31	12/14/2006	(629316)
32	12/20/2007	(629317)
33	03/13/2007	(629318)
34	01/18/2007	(629319)
35	02/22/2008	(676680)
36	01/18/2008	(676681)
37	07/24/2008	(684876)
38	04/01/2008	(695227)
39	05/05/2008	(695228)
40	06/02/2008	(716748)
41	08/05/2008	(716749)
42	08/05/2008	(716750)
43	08/15/2008	(716751)
44	02/12/2009	(725976)
45	07/31/2008	(732181)
46	09/30/2008	(732182)
47	10/24/2008	(732183)
48	11/17/2008	(732184)
49	01/14/2009	(755518)
50	03/03/2009	(772573)
51	04/01/2009	(772574)
52	04/14/2009	(772575)
53	05/12/2009	(772576)
54	02/25/2010	(817808)
55	06/15/2009	(817809)
56	07/10/2009	(817810)
57	08/18/2009	(817811)
58	09/18/2009	(817812)
59	10/14/2009	(817813)
60	11/16/2009	(817814)
61	03/11/2009	(817815)
62	12/21/2009	(817816)
63	01/20/2010	(817817)
64	03/18/2010	(835479)

65	04/19/2010	(835480)	
66	05/14/2010	(835481)	
67	06/14/2010	(847680)	
68	06/30/2010	(862081)	
69	08/17/2010	(868670)	
70	09/10/2010	(875559)	
71	10/14/2010	(883100)	
72	11/16/2010	(889515)	
73	12/15/2010	(897878)	
74	01/14/2011	(903783)	
ices o	f violations (NO\	/). (CCEDS Inv. Tr	
Date:	04/11/2006	(455388)	
Self R	eport? NO		

Written notice rack. No.) E.

CN600581672

Citation:

30 TAC Chapter 30, SubChapter J 30.331(b) 30 TAC Chapter 30, SubChapter J 30.350(d)

TPDES Permit No. 13575-001 PERMIT

Description: Self Report? NO Failure to employ a certified operator. Classification:

Citation:

30 TAC Chapter 317 317.4(a)(8)

30 TAC Chapter 317 317.7(i)

Description:

Failure to properly operate the backflow prevention device.

Self Report? NO

Classification: Moderate

Minor

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TPDES Permit No. 13575-001 PERMIT

Description:

Failure to dispose of sludge at the site designated in the permit. Classification: Moderate

Self Report? NO

Citation:

30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C)

TPDES Permit No. 13575-001 PERMIT Description: Failure to submit the annual sludge report.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to test the sludge at the required frequency.

Self Report? NO

Classification: Minor

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.6(b)(3)

Description: Failure to maintain the chlorine contact basin free of sludge.

Self Report? NO

Classification:

Citation:

30 TAC Chapter 319, SubChapter A 319.11(d) Description: Failure to provide accurate flow measurements.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to accurately complete the discharge monitoring reports. Classification: Minor

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1)

TPDES Permit No. 13575-001 PERMIT

Description: Failure to maintain compliance with the Other Permit Requirements.

Date:

Citation:

04/17/2006 (457242)

CN600581672

Self Report? NO

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

Description: Failure to meet this Agency's "Minimum Water System Capacity

Requirements." These requirements include a total storage capacity of 200

Date: 06/20/2006 (510189) CN600581672

Self Report? NO

Classification: Minor

Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1)

Self-reporting Requirements PERMIT

Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to

report monitoring results.

Date: 10/31/2006 (629313) CN600581672

Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter (593351)

Date 02/19/2007

CN600581672

Self Report? NO Classification Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Classification Self Report? NO Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? Classification Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description: Self Report? NO Classification Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Date 05/31/2007 (629306)CN600581672 Self Report? YES Classification Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter Date 09/19/2007 (570388)CN600581672 Self Report? Classification Minor 30 TAC Chapter 305, SubChapter F 305.125(5) Citation: 30 TAC Chapter 317 317.4(g)(4)(B) Operational Requirements, P. 9, No. 1 PERMIT Description: Failure to provide a backup blower as required. Self Report? NO Classification Minor Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) EL&MR, P 2, No. 6 PERMIT Description: Failure to maintain compliance with permitted effluent limits for dissolved oxygen (DO). Self Report? NO Classification Moderate Citation: 30 TAC Chapter 319, SubChapter A 319.11(d) Description: Failure to provide accurate flow measurements. NO Self Report? Classification Minor 30 TAC Chapter 319, SubChapter A 319.11(d) Citation: EL&MR, P. 2, No. 1 PERMIT Description: Failure to accurately measure the peak flow. NO Self Report? Classification Minor 30 TAC Chapter 319, SubChapter A 319.7(c) Citation: Description: Failure to accurately complete the discharge monitoring reports. Self Report? NO Classification Minor 30 TAC Chapter 319, SubChapter A 319.7(a) Citation: 30 TAC Chapter 319, SubChapter A 319.7(c) Description: Failure to maintain the quality assurance/quality control (QA/QC) equipment for total chlorine residual. Date 04/30/2008 CN600581672 (716748)Self Report? Classification Moderate 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter Date 05/31/2008 (716749)CN600581672 Self Report? YES Classification 'Moderate 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter

CN600581672

06/30/2008

(684876)

Date

Self Report? NO Classification Moderate

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii) Citation:

Failure to meet this Agency's "Minimum Water System Capacity Requirements." These Description:

requirements include a total storage capacity of 200 gallons per connection.

Date 07/31/2008 CN600581672

Self Report? YES Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

CN600581672 Date 01/13/2009 (725976)

Self Report? Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

Failure to meet this Agency's "Minimum Water System Capacity Requirements." These Description:

requirements include a total storage capacity of 200 gallons per connection.

Date 02/11/2009 (725976)CN600581672

Self Report? Classification Minor

30 TAC Chapter 290, SubChapter D 290.44(h)(4) Citation:

Description: Failure to provide an annual backflow prevention assembly test report was provided for

the wastewater treatment plant at the time of the investigation.

NO Self Report? Classification Moderate 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) Citation:

Failure to provide copies of recorded sanitary control easements, an approved substitute, Description:

or an exception to the requirement for the well. NO

Self Report? Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Failure to complete a customer service inspection certification prior to providing Description: continuous water service to 31 new customers.

Self Report? NO Classification Moderate

30 TAC Chapter 290, SubChapter D 290.46(m)(4) Citation:

Failure to repair or replace the leaking raw water sample tap located on the well. Description:

Self Report? NO Classification 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B) Citation:

Description: Failure to seal the common wall separating the gas chlorination facilities from the air

compression room in order to afford a maximum degree of protection for the mechanical equipment in the event of a chlorine gas leak.

Self Report? NO Classification Minor

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K) Citation:

Failure to provide the well with a screened casing vent, which must face downward and be Description:

elevated so as to minimize the drawing of contaminants into the well. The screening must

be I6-mesh or finer corrosion-resistant screen. At the time of the investigation the casing vent was facing outward.

Self Report? Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.118(b)

Description: Failure to provide drinking water within the maximum permissible levels for the constituents iron and manganese, which are 0.3 mg/L & 0.05 mg/L. The most recent

chemical analysis of the water from this system reveals that the iron and manganese concentrations are 12.5 mg/L & 0.770 mg/L, respectively.

Date 06/24/2010 -826012 CN600581672

Self Report? Classification Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

Operational Requirements PERMIT

Failure to prevent the unauthorized discharge of partially treated wastewater from the Description:

wastewater treatment plant.

Date 08/31/2010 CN600581672 (875559)

Self Report? Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description: CN600581672 Date 10/31/2010

Self Report? Classification Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Date 02/15/2011 (895684)CN600581672

Failure to meet the limit for one or more permit parameter

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 317 317.3

Operational Requirements, Pg.9, No.1. PERMIT

Description: Failure to adequately maintain the off-site lift station.

Description:

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

NI/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
C & R WATER SUPPLY INC.	§	
RN102181765	§ .	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-0342-MWD-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding C & R WATER SUPPLY INC. ("the Respondent") under the authority of Tex. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment plant located on Lake Conroe's western shore, north of and with access to Farm-to-Market Road 1097, approximately 7.6 miles west of Willis in Montgomery County, Texas (the "Facility").
- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 20, 2010 and March 9, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Three Thousand Four Hundred Nineteen Dollars (\$23,419) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Seven Hundred Ninety-Six Dollars (\$796) of the administrative penalty and Four Thousand Six Hundred Eighty-Three Dollars (\$4,683) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Seventeen Thousand Nine Hundred Forty Dollars (\$17,940) of the administrative penalty shall be payable in twenty-three monthly payments of Seven Hundred Eighty Dollars (\$780) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By November 4, 2010, installed a high level alarm and a backup pump at the Clear Water Point Lift Station;
 - b. By December 1, 2010:
 - i. Repaired the force main at the on-site lift station;
 - ii. Used a vacuum truck to collect and properly dispose of the discharged wastewater; and
 - iii. Disinfected the affected area.
 - c. By January 10, 2011:
 - i. Cleared the blockage from the transfer line and ceased the unauthorized discharge;

- ii. Used a vacuum truck to pump sludge from the chlorine contact chamber and clarifier and properly disposed of the sludge; and
- iii. Collected and properly disposed of the sludge next to the aeration basin.
- d. On February 28, 2011, returned to compliance with permitted effluent limits;
- e. On March 15, 2011, submitted revised DMRs for the monitoring periods ending February 28, 2010 and August 31, 2010; and
- f. On March 21, 2011, installed a ventilation fan in the chlorine storage room.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to properly operate and maintain all facilities and systems of treatment and control, in violation of 30 Tex. Admin. Code §§ 305.125(1), 305.125(5) and 317.4(d)(2) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013575001, Operational Requirements No. 1, as documented during an investigation conducted on October 20, 2010. Specifically, eight inches of settled sludge in a seven foot water depth was measured in the chlorine contact chamber, the thirty minute settleable solids concentration in the aeration basin resulted in a value of 80%, the Facility did not have any scum baffles installed, and approximately 70% of the top of the clarifier was covered in solids.
- 2. Failed to properly operate and maintain all facilities and systems of treatment and control, in violation of 30 Tex. Admin. Code §§ 305.125(1), 305.125(5), 317.3(b)(1), and 317.3(e)(5) and TPDES Permit No. WQ0013575001, Operational Requirements No. 1, as documented during an investigation conducted on October 20, 2010. Specifically, a high level alarm was not installed and only one pump was working at the Clear Water Point Lift Station.
- 3. Failed to properly operate and maintain the chlorination system, in violation of 30 Tex. ADMIN. CODE § 317.6(b)(1)(E), as documented during the October 20, 2010, investigation. Specifically, the ventilation fan in the chlorine room was inoperable.

- 4. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013575001, Permit Conditions No. 2.g., as documented during a record review conducted on December 10, 2010. Specifically, a review of the Facility's records indicated that on December 1, 2010, a force main break at the on-site lift station resulted in a discharge of approximately 2,500 gallons of untreated wastewater into a ditch adjacent to the Facility.
- 5. Failed to comply with permitted effluent limits, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013575001, Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on January 31, 2011. Specifically, the Respondent exceeded the total suspended solids daily average concentration limit of 15 milligrams per liter ("mg/L") for the monitoring periods ending August 31, 2010 and October 31, 2010. The reported values were 16.16 mg/L and 18.53 mg/L, respectively.
- 6. Failed to accurately complete the discharge monitoring reports ("DMRs"), in violation of 30 Tex. Admin. Code §§ 305.125(1), 319.1, and 319.5(e) and TPDES Permit No. WQ0013575001, Monitoring and Reporting Nos. 1 and 4, as documented during an investigation conducted on October 20, 2010. Specifically, the DMR for the monitoring period ending on February 28, 2010, indicated a chlorine residual of 1.93 mg/L; however, the operator's log indicated the chlorine residual was 2.43 mg/L. Also, the DMR for the monitoring period ending August 31, 2010, indicated that the sampling frequency for total suspended solids was once per week; however, the operator's log indicated that seven samples were collected.
- 7. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013575001, Permit Conditions No. 2.g., as documented during an investigation conducted on January 5, 2011. Specifically, on January 2, 2011, a clog in the transfer line between the aeration basin and the clarifier resulted in the discharge of approximately 700 gallons of partially treated wastewater, that flowed under the fence and down the service road to Clearwater East Street and also resulted in an accumulation of sludge next to the aeration basin.
- 8. Failed to report any noncompliance to the Executive Director which may endanger human health or safety, or the environment, in violation of 30 Tex. Admin. Code § 305.125(9)(A) and TPDES Permit No. WQ0013575001, Monitoring and Reporting Requirements No. 7, as documented during an investigation conducted on October 20, 2010. Specifically, the Respondent did not orally notify the Executive Director within twenty-four hours of becoming aware of the unauthorized discharge that occurred on January 2, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: C & R WATER SUPPLY INC., Docket No. 2011-0342-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Conduct employee training to ensure the Executive Director will be notified of any unauthorized discharge, in accordance with 30 TEX. ADMIN. CODE § 305.125(9)(A) and TPDES Permit No. WQ0013575001, Monitoring and Reporting Requirements No. 7; and
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of accurately completed, signed, and certified monthly DMRs, in accordance with TPDES Permit No. WQ0013575001, Monitoring and Reporting Requirements No. 1;
 - b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. The certification shall be in accordance with Ordering Provision No. 2.e below;
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Develop and implement a solids management plan ("SMP"). The SMP shall identify the appropriate range of solids to be maintained throughout the treatment units at the Facility and outline a program of internal process control testing to monitor the efficiency of the wastewater treatment and to maintain the proper solids balance at the Facility. The SMP shall be prepared by a Texas registered professional engineer or an "A" TCEO Certified Wastewater Operator; and
 - ii. Ensure the clarifier is properly maintained and operated, in accordance with 30 Tex. ADMIN. CODE § 317.4(d)(2);

- d. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.c.i. and 2.c.ii. The certification shall be in accordance with Ordering Provision No. 2.e below;
- e. The written certification of compliance required by Ordering Provision Nos. 2.b and 2.d shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with copy to:

Water Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a

written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	-
For the Executive Director	12-20-11 Date
agree to the attached Agreed Order on behalf o	the attached Agreed Order. I am authorized to of the entity indicated below my signature, and I therein. I further acknowledge that the TCEQ, in aterially relying on such representation.
 and/or failure to timely pay the penalty amount A negative impact on compliance history Greater scrutiny of any permit applicatio Referral of this case to the Attorney of additional penalties, and/or attorney feed Increased penalties in any future enforce 	ons submitted; General's Office for contempt, injunctive relief, s, or to a collection agency; ement actions; eral's Office of any future enforcement actions; by law.
Red Library Signature	August 3, 2011
Name (Printed or typed) Authorized Representative of C & R WATER SUPPLY INC.	President

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.